

REMARKS

The Examiner has required that the present application be restricted, under 35 U.S.C. §§ 121 and 372, to one of the following eight groups of claims:

- **Group I:** Claims 1, 2, 6 and 24, drawn to a modified Par-4 protein;
- **Group II:** Claims 3-5, 13 and 14, drawn to an isolated nucleic acid construct comprising 500 contiguous including a polymorphic site;
- **Group III:** Claims 7 and 8, drawn to a method of producing a polypeptide;
- **Group IV:** Claims 9, 15, 16 and 17, drawn to an antibody or kits comprising the antibody;
- **Group V:** Claims 10 and 11, drawn to a method of screening for test compounds that bind to target polypeptide sequences;
- **Group VI:** Claim 12, drawn to a therapeutic compound comprising an agent that binds to the nucleic acid;
- **Group VII:** Claim 12, drawn to a therapeutic compound comprising an agent that binds to the polypeptide sequence; and
- **Group VIII:** Claims 18-23, drawn to a method of treating cancer comprising administration of Par-4 mutant.

Applicants hereby elect *with traverse* the claims of Group 1 (Claims 1, 2, 6 and 24) which are drawn to a modified Par-4 protein.

The Applicants traverse for at least the following reasons. Applicants respectfully assert that the inventions of Groups I-VIII should be examined together.

Applicants respectfully submit that the inventions of Groups I-VIII are closely related and that a proper search of any of the claims should, by necessity, require a proper search of the others. Thus, Applicants submit that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Regardless of whether the eight inventions are independent or distinct, Applicants respectfully assert that the Examiner need not have restricted the

application. MPEP § 803 requires that "[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Therefore, it is not mandatory to make a restriction requirement in all situations where it would be deemed proper.

In the interest of economy, for the Office, for the public-at-large, and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Applicants have no intention of abandoning any non-elected subject matter and expressly reserve the right to file one or more continuation and/or divisional applications directed to the non-elected subject matter.

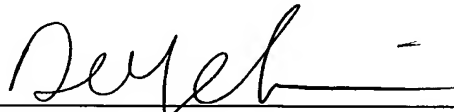
Applicants earnestly solicit favorable consideration of the above response and early passage to issue the present application. The Examiner is invited to contact the undersigned at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: November 3, 2006

By:


Deborah H. Yellin
Registration No. 45904

P.O. Box 1404
Alexandria, VA 22313-1404
703 836 6620